

Allocation Review Working Group Report and Recommendations

The Council Coordination Committee established a small working group to support the development of policy guidance to NOAA fisheries regarding the periodic review of council allocation decisions. The following terms of reference for the work of this working group were provided by Chairman Robins:

The CCC working group will provide a range of options for review and action by the CCC at their May meeting to establish a process for providing policy guidance to the Agency on issues related to the reconsideration of fisheries allocation decisions by the Councils, and identify the appropriate body to consider associated technical considerations. These issues include, but are not limited to, those identified in the "Allocation Working Group Terms of Reference" (e.g., how often should allocation decisions be revisited, the factors that would trigger a change in an allocation, and the types of data and analyses that would be required to evaluate allocation alternatives).

In response to the Chairman's TOR, the working group identified the following objectives for developing recommendations to the CCC for its review and approval:

1. Identify specific policy topics and structure for CCC guidance in the form of a document outline;
2. Identify technical topics (non-policy) for inclusion in guidance document and offer recommendations on an appropriate body to develop technical guidance;
3. Establish process and timeline for the development of a guidance document; and
4. Identify support and infrastructure for project execution.

The remainder of this report contains the working group's recommendations regarding these objectives.

1. Guidance topics and document outline -

The draft outline (Attachment 1) captures all of the themes and trigger questions expressed in the Agency's TOR for allocation review policy development, parses those themes and questions by focus on policy or technical considerations, and creates a structure for the integration of both policy and technical comments into one document.

The working group recommends that the CCC develop its guidance to the Agency within the context of adaptive management. Regardless the threshold event or schedule that triggers a review, revisiting an allocation discussion is a process requiring examination of the goals and objectives that informed the original allocation, the extent to which the allocation was successful in meeting those goals and objectives, and what change or changes in underlying conditions may indicate the adoption of new goals and objectives, all of which would inform the review of the allocation itself. This approach is reflected in both the content and structure of the proposed outline.

As development of policy guidelines for allocation review proceed, the working group makes note of the importance of a common understanding regarding what is meant by "review." To this end, the working group clarifies that "review" is the evaluation described in the preceding paragraph that leads to the decision of whether or not the development and analysis of new alternatives is warranted, and is not, in and of itself, an implicit trigger to consider new alternatives.

The working group recommends that the CCC review and adopt, with modifications as appropriate, the contents and structure of the proposed draft outline.

2. Technical comments -

The working group identified technical issues captured in the Agency's TOR and included them in the proposed outline in italics. While it is not anticipated that the CCC will generate comments or recommendations on these issues directly, we recommend that technical and policy guidance be integrated into the same document in order to ensure consistency of context and focus.

The working group recommends that the NMFS Office of Science and Technology be responsible for the development of technical guidance and decision tools for allocation review. The Office of Science and Technology has the expertise and capacity to develop technical guidance and decision tools to inform and support the process of allocation review. A second option, to convene a national SSC to develop technical guidance, was identified but not recommended by the committee. This option was viewed as a potential “stretch” of the CCC’s capacity and less suitable for the development of decision tools.

3. Process, timeline, and infrastructure for project execution –

The working group notes that the potential scale and scope of this project are considerable. Development of a guidance topic that fully examines the policy and technical implications of a complex and potentially controversial topic such as councils' review of allocation decisions will require the consideration of extensive comments, synthesis of potentially contradictory opinions, and clear articulation of the CCC's guidance. As a team of three individuals, the working group does not believe that it has, on its own, the capacity to successfully execute this project, and offers three options for discussion:

1. assign "ownership" of the document to the Agency and identify several CCC members to provide council input to the Agency staff tasked with developing allocation review guidelines;
2. assign "ownership" of the document to the CCC and appoint a larger work group of CCC members to develop comments and draft guideline recommendations to the Agency; and
3. assign "ownership" of the guidance document to the CCC, solicit comments directly from each council, and establish a team of CCC members and agency staff to review and synthesize comments and draft the guideline document.

Option 1 - Assign "ownership" of the document to the Agency and identify several CCC members to provide council input to the Agency staff tasked with developing allocation review guidelines. This option may be closest to the process envisioned by the Agency when it established the TOR presented to the CCC at its February 2014 meeting. It would not result in a guidance document that is developed, reviewed, and approved by the CCC, but would instead provide input by representatives of the CCC into the content of guidelines developed by the Agency, perhaps in consultation with a broader representation of advisors. An option in which “ownership” of the document was assigned to the Agency should provide ample opportunity for CCC, council, and perhaps public, review before the document is finalized.

The benefit of this approach is that it may be less demanding of the time and capacity of CCC members and council staff. The responsibility of drafting the guidelines would lie solely on the Agency. However, this benefit must be weighed against the fact that this option provides less of an opportunity for the CCC to coordinate and articulate its collective recommendations and guidance regarding the review of allocation decisions.

Under this option the content and structure for a guidance document as reflected in an outline adopted by the CCC would be advisory in nature, and the schedule for execution of the project would be determined by the Agency.

Option 2 - Assign "ownership" of the document to the CCC and appoint a larger working group of CCC members to develop comments and draft guideline recommendations to the Agency. This option would result in a document that directly articulates the CCC's recommendations and guidance to the Agency on allocation review. It more closely reflects the direction for this project established by the CCC at its February 2014 meeting.

The benefit to this approach is that it provides a more structured format and more direct input by the CCC into the content and design of a guidance document. This option identifies a path forward that, in the opinion of the working group, is most closely reflective of the process by which the CCC generally develops policy recommendations. The MSA reauthorization working groups are similar in design. That said, the scope of the project in question is relatively broad, and the demands on the working group would be significant. Therefore, some Agency or council staff support in drafting the guidance document may be necessary.

For this option the working group recommends a timeline that anticipates completion of a draft guideline document for review by the CCC at its February 2015 meeting and completion of a final draft reflecting CCC feedback for approval at the annual CCC meeting in May 2015.

Option 3 - Assign "ownership" of the guidance document to the CCC, solicit comments directly from each council, and establish a team of CCC members and agency staff to review and synthesize comments and draft the guideline document. This option offers each council the ability to develop comments for inclusion in the guidance document. Like Option 2, it would result in a guidance document that directly reflects the views of the CCC.

The benefit of this option is that it offers each council the opportunity to articulate its comments in response to an approved document outline and a process for synthesizing those comments into an integrated, comprehensive document. It would also transfer the responsibility for the development of substantive comments from a working group to the councils, and would primary responsibility of the working group would be the syntheses of comments into an integrated document. Given the potential volume of material that would require review and synthesis, this option would likely require the support of council and/or agency staff.

The likely timeline for Option 3 would require councils to provide comments no later than this fall. A CCC working group would, with the support of staff, synthesize council comments into a draft guidance document for initial review and comment by the CCC at its February 2015 meeting and final review and approval at its May 2015 meeting.

The working group recommends that the CCC adopt a preferred option for providing input to the Agency and identify working group members and necessary support from council and/or agency staff as appropriate.

Initial comments –

One member of the allocation review working group drafted some initial comments in response to the draft outline established by the group. Those comments accompany this report as Attachment 2. They are intended to serve as an example of comments that may be included in the guidance documents and highlights some primary concerns regarding allocation review.

Attachment – Draft Outline for CCC Guidance on Allocation Review